

**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT****DATE : 23.10.2019****CORAM****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****CRL. A. (MD) NO. 450 OF 2019**

Andan Karthick @ Karthick .. Appellant/Petitioner/Accused 1

- Vs -

1. The State, rep. by the
Assistant Commissioner of Police
Anna Nagar
Madurai City.

2. The Inspector of Police
Anna Nagar Police Station
Madurai District.

... 1st and 2nd Respondents/
Complainants

3. Palaniyappan

.. Respondent No.3/
Defacto Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, as amended by Act 1 of 2016 against the order dated 07.09.2019 made in Cr. M.P. No.996/2019 on the file of the Addl. District & Sessions Judge, (PCR), Madurai, set aside the same and release the appellant on bail.

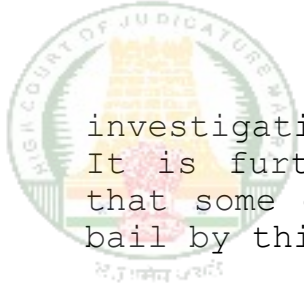
For Petitioner : M/s. P.Krishnaveni

For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2
No Appearance for R-3

JUDGMENT

The appellant was charged for the offences u/s 294 (b), 307, 506(ii) IPC and Section 3 (2) (v) of the SC/ST (PoA) Act. Pending trial, the appellant herein filed bail application, which, after hearing was dismissed by the trial court against which the present appeal is filed.

2. Learned counsel appearing for the appellant submits that though the prosecution has completed much of the investigation, the trial court, without appreciating the materials available on record, has dismissed the application for bail, filed by the appellant and that the appellant will not indulge in any act hampering with the



investigation and, hence, prays for enlarging the appellant on bail. It is further submitted by the learned counsel for the appellant that some of the co-accused in this case have already been granted bail by this Court.

3. Per contra, Mr. V.Neelakandan, learned Addl. Public Prosecutor, appearing for respondents 1 & 2 submitted that the trial court, after detailed arguments by both sides, has rejected the application for bail by a well considered order and, therefore, no interference is called for with the said order and this petition is liable to be dismissed.

4. Though notice was issued to the defacto complainant/3rd respondent and the same has been served, yet there is no appearance for the 3rd respondent. In spite of the name of the 3rd respondent being printed in the cause list, there is neither representation for the 3rd respondent through counsel nor the 3rd respondent is present in person.

5. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

6. Considering the submissions advanced by the learned counsel on either side and the fact that the trial of the case would take some time to complete and taking into consideration the incarceration of the appellant for a considerable period of time, this Court is inclined to allow the criminal appeal by setting aside the order dated 07.09.2019 made in Cr. M.P. No.996/2019 passed by the Addl. District & Sessions Judge, (PCR), Madurai, by granting bail to the appellant.

7. Accordingly, this appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned Addl. District & Sessions Judge, (PCR), Madurai, and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the 1st working day of every week until further orders.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The III Addl. District & Sessions Judge
(PCR), Madurai.

2. The Assistant Commissioner of Police
Anna Nagar
Madurai City.

3. The Inspector of Police
Anna Nagar Police Station
Madurai District.

4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

5. The Superintendent,
Central Prison, Madurai.

+1CC TO MR.P.KRISHNAVENI, Advocate Sr. No. 93965

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MR(CO)

TR(24.10.2019) 3P 7C